

or cities of certain populations within this State and charging for gas, electric lights, electric power, or water; providing certain exceptions; enacting necessary means and regulations in order to collect said tax and incidental to said subject; and to amend Article 7070 Revised Civil Statutes of Texas, 1925, so as to increase and provide for an occupation tax based on gross receipts upon each individual company, corporation, or association owning, operating, managing, or controlling any telephone line or telephone lines or any telephones within this State, and charging for the use of same, requiring reports from said individuals, companies, corporations, or associations, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Austin, Texas, October 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 52, A bill to be entitled "An Act amending Subdivision (h), Section 5, Chapter 116, Acts of Forty-third Legislature, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Austin, Texas, October 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 97, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said districts, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

TWELFTH DAY

(Continued)

(Friday, October 4, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

REGARDING CONTEST OF ELECTION OF HON. HORACE B. SESSIONS

Hon. J. Franklin Spears, of Bexar County, having been recognized by Speaker Stevenson, raised the following point of order on further consideration by the House of Representatives of the contest of the election of Hon. Horace B. Sessions from the 92nd Representative District of Texas:

"Mr. Speaker:

"Two or three days ago at which time I was ill in San Antonio, Mr. D. M. West had filed with this body another purported election contest against one of our fellow members, the Hon. Horace B. Sessions representative of the 92nd Representative District. As you will recall this identical contest was attempted to be filed with this body several weeks ago, at which time upon my motion Hon. Horace B. Sessions was temporarily seated, and the purported contest was referred to the Committee on Privileges, Suffrage and Elections for investigation and report. At a hearing before that body a point of order was sustained upon the ground that the law relative to election contests of this nature and character had not been complied with and particularly Article 3059 of Vernon's Annotated Statutes. The point of order was sustained with the understanding that no prejudice be done either party to the contest. In compliance therewith Mr. D. M. West has filed with the Chair in accordance with the statutes this pending contest.

"I raise the point of order, Mr. Speaker, that this purported contest is not properly before this body, and no cognizance should be taken of the same, for the reason that Mr. West as an individual citizen who is not a member of this body, has no right, power nor authority to question or challenge the qualifications of a member of this body. Mr. Sessions has been a very valuable member of this House, and has ably, efficiently and honestly represented his district. The proof of this statement lay in the fact

that any member of this House can challenge his qualifications, yet I do not believe that a single member shall rise against him should this point of order be sustained. We have too many things of importance to attend to at this session, without wasting further time in regards to this particular matter.

"Section 8 of Article III, the Constitution of Texas, provides two ways by which membership in this body or the Senate may be challenged. One is as to the qualifications of its members which the Constitution gives to the particular body the sole right to determine. The second way is by contested election, which shall be determined by the statutes in such cases made and provided. There is no statute upon our statute books which provides a method or way of testing the qualifications of members of the Legislature. This right is left solely to the membership, and must be raised by that body or a member of same. The only contest contemplated by the Statutes of Texas in regard to membership in the State Legislature is contained in Articles 3059 through Article 3065 of Vernon's Annotated Statutes. This contest relates to fraud and the casting or acquisition of illegal votes which wrongfully help and aids one candidate to the detriment of another or others. Mr. West has no interest in this character of contest, and he cannot possibly benefit. Sessions received 1514 votes while Mr. West received 1121 votes. A clear plurality of almost 500 votes. Elected by his people who knew him best, and one of the issues in the campaign was as to whether or not the victor had resided in the State for two years. Mr. West alleges no fraud. He does not claim that a single vote was illegally cast. He makes no claim to any irregularity of any kind or character. A clean cut election and victory for Horace Sessions, and nothing claimed by the loser which would place him within the purview of the statutes in such cases made and provided. The only question raised is as to Sessions qualifications, which I say, as a sound logical, legal proposition is left solely to this body and must be raised by a member of this Legislature.

"Mr. Speaker, as a precedent for my contention, I call the Chairs attention to the seating of Senator-elect G. H. Nelson from Tahoka, on October 2,

1935. Senator Nelson was District Attorney at Lubbock, Texas. When a vacancy was declared in the 30th Senatorial District, and after the Governor had ordered an election, District Attorney Nelson announced for the Senate. Several citizens and office holders challenged the right of Senator Nelson who was then District Attorney to hold the office of Senator should he be elected because of the provisions contained in Section 19 of Article III of the Constitution. An inquiry was addressed to Attorney General McCraw, and the following reply was received from the Attorney General:

"Hon. E. L. Pitts,
County Judge,
Lubbock, Texas.

In view of the fact that Section 8 of Article III of our Constitution makes the Senate the proper forum to pass upon the qualifications and elections of its own members the question in your telegram of September 12 submitted as to whether or not the District Attorney would be eligible as a candidate in election to fill vacancy for State Senator under Article III of Section 19 can only be passed upon by the Senate and is not a proper question to be passed upon by this Department stop Therefore you are advised that District Attorney would be entitled to have his name placed on ballot as candidate for the office of State Senator stop Any former opinions addressed to you to the contrary are withdrawn.

WILLIAM McCRAW,
Attorney General of Texas.

Official day letter

Paid

Chge.

Attorney Generals Department.

"Mr. Speaker this clearly indicates to my mind that no person other than a member of this body can raise the constitutional qualification question. I am further borne out in this contention by virtue of the fact that the point of order was raised against Senator Nelson in the Senate by a member of that body, namely Senator T. J. Holbrook of Galveston, Texas, as is reflected on page 116 of the Senate Journal for October 2, 1935.

"I submit Mr. Speaker in all fairness and justice, and in accordance with the law of the land that this point of order

to the proceedings of Mr. D. M. West should be in all things sustained."

SPEARS.

The Speaker sustained the point of order.

Mr. McKinney then moved that the Hon. Horace B. Sessions of Runnels County be seated at this time as the regularly elected member of the House of Representatives from the 92nd Representative District of Texas, and that he be entitled to all rights, privileges and immunities as such member of the House.

The motion prevailed unanimously.

Mr. Roach of Hunt, moved to reconsider the vote by which the motion by Mr. McKinney prevailed, and to table the motion to reconsider.

The motion to table prevailed.

PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE

The Speaker laid before the House for consideration at this time, the following resolution:

S. C. R. No. 3, Providing for a joint session of House and Senate to dedicate painting of Hon. Jesse Holman Jones.

Whereas, The Senate of Texas by appropriate resolution has secured a painting of Honorable Jesse Holman Jones, one of Texas leaders' and builders and at present Chairman of the Reconstruction Finance Corporation; and

Whereas, On October 7, 1935, this painting will, with appropriate exercises, be dedicated and it appears that there will be a great number of people present on that occasion and that the Senate Chamber will be entirely inadequate to hold such exercises; and

Whereas, The occasion justifies a joint session of the House and Senate; now, therefore, be it

Resolved by the Senate, the House concurring, That a joint session be held in the Hall of the House at 2:00 p. m., Monday, October 7, 1935, for the purpose of dedicating such painting and hearing the distinguished citizens present on this occasion.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 1 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws and amending the same; and declaring an emergency."

The bill having heretofore been read second time with committee amendment by Mr. Morse, as substituted by amendment by Mr. Bradbury and substitute offered by Mr. Hankamer, for the amendment by Mr. Bradbury, pending.

Mr. Tarwater moved to table the substitute amendment by Mr. Hankamer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—76

Adamson	Hodges
Adkins	Huddleston
Aikin	Hunt
Alexander	Hunter
Alsup	Hyder
Atchison	Jones of Atascosa
Beck	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Broyles	Lanning
Burton	Latham
Cagle	Lemens
Calvert	Lindsey
Canon	Lotief
Cooper	Lucas
Cowley	Luker
Craddock	Mauritz
Davis	McConnell
Davison of Fisher	McFarland
Davisson	Moffett
of Eastland	Morris
Dunlap of Hays	Morrison
Dunlap of Kleberg	Palmer
England	Payne
Fain	Petsch
Farmer	Quinn
Fox	Reed of Bowie
Gibson	Riddle
Graves	Roach of Angelina
Gray	Roach of Hunt
Harris of Archer	Rogers
Head	Sessions

Shofner	Wells
Stovall	Westfall
Tarwater	Wood of Harrison
Tennyson	Wood of Montague
Venable	Worley
Waggoner	Youngblood
Walker	

Nays—63

Bergman	James
Bradford	Jefferson
Butler of Brazos	Jones of Falls
Butler of Karnes	King
Caldwell	Knetsch
Celaya	Lange
Clayton	McCalla
Collins	McKee
Colquitt	McKinney
Colson	Moore
Crossley	Morse
Dunagan	Newton
Duvall	Nicholson
Dwyer	Olsen
Fisher	Padgett
Ford	Patterson
Frazer	Pope
Fuchs	Reader
Glass	Reed of Dallas
Good	Roane
Greathouse	Roark
Hankamer	Roberts
Hanna	Russell
Hardin	Rutta
Harris of Dallas	Smith
Hartzog	Spears
Herzik	Steward
Hofheinz	Stinson
Holland	Thornton
Hoskins	Tillery
Howard	Young
Jackson	

Present—Not Voting

Daniel

Absent

Ash	Leath
Dickison	Scarborough
Hill	Stanfield

Absent—Excused

Fitzwater	Settle
Leonard	

PAIRED

Mr. Daniel (present), who would vote "yea," with Mr. Howard (absent) who would vote "nay."

Mr. Worley offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1 by striking out all

of Sections 3 and 3a and inserting in lieu thereof the following:

"Section 3. (a) The term "open saloon" as used in this Act means any place where spirituous liquors or medicated bitters capable of producing intoxication or any intoxicant whatever manufactured in whole or in part by means of the process of distillation or any liquor compounded of or composed in part of distilled spirits is sold, bartered or exchanged, or is offered for sale, barter or exchange in broken or unsealed containers or where such sale, barter or exchange or offer of sale, barter or exchange is made for human consumption on the premises where sold, bartered or exchanged or offered for sale, barter or exchange.

"(b) Any person whether as principal or agent or employee who shall operate or assist in operating, or who shall be directly or indirectly interested in operating any open saloon in the State shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in any sum of not more than One Hundred (\$100.00) Dollars or by confinement in the county jail for any period of time not more than ninety (90) days or by both such fine and imprisonment.

"(c) Any person, after having been once convicted under the provisions of this Act, who shall operate or assist in operating, or who shall be directly or indirectly interested in operating any saloon in this State, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by confinement in the county jail for any period of time not more than one year.

"(d) Any person, after having been twice convicted under the provisions of this Article, who shall thereafter operate or assist in operating, or who shall be directly or indirectly interested in operating any saloon in this State shall be deemed guilty of a felony and upon conviction therefor shall be punished by confinement in the state penitentiary for any term of years not less than one, nor more than five (5).

"(e) Whenever the word liquor is used in this Act it shall mean and refer to any liquor containing alcohol in excess of four per cent by weight unless otherwise indicated.

(f) Any person who violates any provision of this Act other than those contained in this section shall be subject to the penalties prescribed by Section 44."

WORLEY,
FAIN,
PETSCH,
JONES of Atascosa.

The amendment was adopted.

Mr. Bradbury offered the following amendment to the amendment offered by himself:

Amend Bradbury amendment to House Bill No. 1 by inserting a new subsection to Section 19 to read as follows:

"(h) Restaurant Permit—Club Permit—Boat Permit—Dining Car Permit—Confectioneries.—The Commissioner is authorized to issue restaurant permits, club permits, boat permits, dining car, and confectionery permits. Restaurant permits may be issued to persons operating places where meals are served without sleeping accommodations. Restaurant permits may be issued to hotels that operate a restaurant or dining room. Club permits may be issued to any association of persons, whether incorporated or unincorporated, for the promotion of some common object other than a commercial or business purpose the object of which is money of its members and their guests and that prepares and serves food and meals for its members and their guests. A boat permit may be issued to the proprietor of any boat engaged in regular passenger service. A dining car permit may be issued to the owners or operators of any railroad or to a sleeping car company operating dining cars, buffet cars, club cars, lounge cars or any similar equipment.

"A confectionery permit may be issued to the owner or operator of any confectionery or legitimate drink stand which may desire to handle vinous or malt beverages as herein defined.

"The holders of permits defined in this subsection shall be authorized to sell from broken packages for consumption on the premises where sold vinous and malt beverages that do not contain alcohol in excess of fourteen per cent by volume. If any person holding a permit under this subsection shall, sell, barter or exchange any liquor other than those authorized by Subdivision (A) of Section 2

of this Act he shall be subject to the penalties therein prescribed.

"The holders of permits defined by this subsection are prohibited from purchasing any liquor from any others than the holders of wholesalers and beer wholesalers permits.

"The annual license fee for a restaurant, club, boat and confectionery permit shall be \$50.00; for a dining car permit \$5.00. In the case of dining car permits a separate permit shall be required for each separate car; and such permit shall also authorize the permittee to sell beer containing not more than 4% alcohol by weight."

BRADBURY,
PETSCH.

Mr. Lotief offered the following amendment to the above amendment:

Amend Bradbury amendment to House Bill No. 1 by striking out the figures "\$5.00 for each dining car" and insert in lieu thereof "\$25.00."

The amendment was adopted.

The amendment as amended was then adopted.

Mr. Petsch offered the following amendment to the amendment by Mr. Bradbury:

Amend Amendment to House Bill No. 1, Page 12, Sections 16 and 17, by striking out all of said section, as contained in said bill, and insert in lieu thereof the following:

"Any license granted under this Act shall be a purely personal privilege, good for the year in which issued, and ending on December 31st of each year at 12 o'clock midnight, and revocable for the causes herein stated, subject to appeal as hereinafter provided, and shall not constitute property, nor shall it be subject to attachment or execution, nor shall it descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided, that the commissioner may, by regulation, provide for the time and manner in which the successor in interest of any deceased, insolvent or bankrupt licensee may dispose of alcoholic liquors left on hand by the licensee.

"And in the event of any person being aggrieved by any decision, rule or order of said commissioner, such person shall have the right of an appeal therefrom to the District Court of the county in which a decision, rule or order in such case would become ef-

fective, said suit to be against the Commissioner alone as defendant, and such suit shall be tried de novo, and be governed by the same rules as other suits in said Court, and during the pendency of such suit the order of the Commissioner shall be abated."

PETSCH,
BRADBURY.

The amendment was adopted.

Mr. Keefe offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1, which is the substitute for House Bill No. 1, page 3, line 25, by striking out all of lines 25, 26, 27, and the words "Act, all of whom shall serve at his pleasure," in line 28, and inserting in lieu thereof the following: "Except for the appointment of Administrator, a chief chemist, and a chief auditor, who shall serve at the pleasure of the Commissioner the appointment, discharge, and promotion of all other necessary employees shall be carried on by means of a merit system which shall be provided for as follows:

"The Commissioner shall classify all positions into two groups, the competitive and non-competitive; and it shall make a public list of same. The competitive class shall include those positions which require necessary technical skill and training and experience in a particular field and for which examinations are impracticable. Appointments to this class shall be made after applicants have made personal appearances before the Commissioner so that he may determine mental fitness, past experience, necessary training and moral and/or character fitness of applicants.

"The competitive class shall include all clerical, stenographic, statistical and supervisory positions and all other positions for which examinations are practicable. Following the classification of same, the Commissioner shall make a public list of same and declare each class open to competitive examinations, which shall be held in key cities over the State. The examinations shall be practical and shall consist of subjects which fairly determine the capacity and ability of persons being examined; such examinations shall be written and oral or written only and may include tests which call for skill in the operation

of certain machines—that is, typewriters and calculating machines; and employees of State educational institutions may be used to assist in the preparing and giving of examinations and the grading of papers.

"The Commissioner shall prepare for each class of positions falling within the competitive class in order of grade made after the giving of examinations and grading of papers, a public list of eligible persons who have made a grade of 75 or more on the examinations, and initial appointments and all later appointments shall be made from the highest on the list. No person who has not taken an open competitive examination and is entitled to have, and has his name on an eligible list shall be appointed—not even temporarily—to a position falling within the competitive class.

"A person's name shall remain on the eligible list for a period of one year after taking the examination.

"After initial appointments have been made, appointments to vacancies which may occur shall be filled, so far as possible, by promotion, which shall be based on merit, competition, superiority and seniority; but in the event the vacancies cannot be filled by promotion, then the Commissioner shall make appointments from the three highest on the eligible list for the particular class of positions; which list shall have been determined by open competitive examinations.

"No applicant shall be denied a position because of religious or political beliefs; but moral and/or character qualifications shall be considered and may act as a bar to an applicant's appointment. However, an applicant shall be furnished with a written statement as to his disqualifications.

"Discharges shall be made by the Commissioner or its administrative chief, but a written authorization containing reasons therefor shall be filed in its records, and a copy transmitted to the discharged person. Such discharges shall be final. Employees shall be discharged on account of: (1) incompetency, or inefficiency; (2) dishonesty, immorality or bad behavior; and/or (3) political activity as hereafter defined:

"Political activity, for the purpose of this Act, shall include: contributing money, personal services or anything of value toward securing the nomination and/or election of any can-

didate for national, State or local office; provided, however, that nothing in this Act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings; from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office. The Commissioner may prescribe such other rules not inconsistent with the terms set out herein.

"Moreover, the Commissioner may prescribe such other rules and regulations as he deems necessary for the enforcement of the merit system, provided they are not inconsistent with the terms of this Act.

"All persons taking open competitive examinations for positions falling within the competitive class shall be notified within thirty days after the date of examinations the grades they made. Moreover, the examinations papers shall be kept for one year, and any person who has taken an examination shall have the right to examine his or her paper."

KEEFE,
FRAZER,
FISHER.

The amendment was adopted.

Mr. Hartzog offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1, Section 3A, line 4, by inserting between the words "whatever" and "manufactured" the words "other than vinous products of not more than seventeen per cent alcoholic contents by weight.

And amend Section 3, line 5, by inserting between the words "liquors compounded" and "of" the words "other than vinous products of not more than seventeen per cent alcoholic contents by weight."

The amendment was adopted.

Mr. Reed of Dallas offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1, page 6, Section 9, line 11, by striking out the word "fine" just after the word "least" and before the word "newspaper" in line 12 of

Section 9, and insert the word "ten" in lieu thereof.

The amendment was adopted.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

S. C. R. No. 3, Providing for a joint session of the House and Senate to dedicate painting of Hon. Jesse H. Jones.

MESSAGE FROM THE SENATE

Austin, Texas, October 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 45, A bill to be entitled "An Act creating a more efficient road law for Lampassas County and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

RECESS

On motion of Mr. McKee, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Settle was granted temporary leave of absence for today, on account of important business, on motion of Mr. Hyder.

EXTENDING INVITATION TO THE MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

Texas Prison System
Huntsville, Texas, October 3, 1935.
Lieutenant Governor Walter Woodul,
Speaker Coke Stevenson, Austin,
Texas.

Gentlemen: Warden Waid and myself extend to the various members of the Legislature a cordial invitation to be present at our Fifth Annual Rodeo. Four years ago we started a small rodeo for the entertainment of the prisoners and employees, and it has continued to develop until we believe that many members of the Legislature would enjoy a day's outing, and we assure you we would be glad to have you.

Respectfully,
LEE SIMMONS,
General Manager.

MESSAGE FROM THE SENATE

Austin, Texas, October 4, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 97, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said districts, and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL ON FIRST READING

The following House bill, introduced today (by unanimous consent), was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Padgett, Mr. McKinney and Mr. Patterson:

H. B. No. 115, A bill to be entitled "An Act fixing the compensation of district attorneys in certain judicial districts in counties containing a population of not less than 77,777 and not more than 100,000 inhabitants, as shown by the last preceding Federal Census, which such counties comprise within themselves two or more judicial districts; providing that this Act

shall not deprive such district attorneys of their expense allowances; etc., and declaring an emergency."

Referred to the Committee on Counties.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 45, to the Committee on Highways and Motor Traffic.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 97, "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such districts; etc., and declaring an emergency."

HOUSE BILL NO. 1 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 1, relative to the manufacture and sale of intoxicating liquors, on its passage to engrossment.

The bill having heretofore been read second time, with committee amendment by Mr. Morse as substituted by amendment by Mr. Bradbury, pending.

Mr. Pope moved to reconsider the vote, by which the amendment by Mr. Keefe, was on this morning, adopted.

Mr. Keefe moved to table the motion by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—38

Burton	Fisher
Cagle	Fox
Cooper	Gibson
Craddock	Glass
Davison of Fisher	Graves
Davisson	Head
of Eastland	Hunt
Dunlap of Hays	Hunter
England	Hyder
Fain	Jones of Falls

Jones of Shelby	Petsch
Jones of Wise	Quinn
Keefe	Roach of Angelina
King	Roark
Latham	Stovall
Lemens	Thornton
Lucas	Venable
McKinney	Wells
Moffett	Worley
Morris	

Nays—80

Adamson	James
Aikin	Jefferson
Alsup	Knetsch
Ash	Lange
Atchison	Lanning
Beck	Lindsey
Bergman	Lotief
Bourne	Mauritz
Bradbury	McConnell
Butler of Brazos	McFarland
Butler of Karnes	McKee
Caldwell	Moore
Calvert	Morrison
Canon	Morse
Celaya	Newton
Clayton	Nicholson
Collins	Olsen
Colquitt	Padgett
Crossley	Palmer
Dickison	Patterson
Dunlap of Kleberg	Pope
Dwyer	Reader
Farmer	Reed of Bowie
Frazer	Reed of Dallas
Fuchs	Roach of Hunt
Gray	Rogers
Greathouse	Rutta
Hankamer	Sessions
Hardin	Shofner
Harris of Archer	Smith
Harris of Dallas	Spears
Hartzog	Steward
Herzik	Stinson
Hodges	Waggoner
Hofheinz	Walker
Holland	Westfall
Hoskins	Wood of Harrison
Howard	Wood of Montague
Huddleston	Young
Jackson	Youngblood

Absent

Adkins	Duvall
Alexander	Ford
Bradford	Good
Broyles	Hanna
Colson	Hill
Cowley	Jones of Atascosa
Daniel	Leath
Davis	Luker
Dunagan	McCalla

Payne	Scarborough
Riddle	Stanfield
Roane	Tarwater
Roberts	Tennyson
Russell	Tillery

Absent—Excused

Fitzwater	Settle
Leonard	

Question then recurring on the motion by Mr. Pope, to reconsider the vote by which the amendment by Mr. Keefe was adopted, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—89

Adamson	Jones of Shelby
Aikin	King
Alsup	Knetsch
Ash	Lange
Atchison	Lindsey
Beck	Lotief
Bergman	Mauritz
Bourne	McConnell
Bradford	McFarland
Broyles	McKee
Butler of Brazos	McKinney
Butler of Karnes	Moffett
Caldwell	Moore
Calvert	Morrison
Canon	Morse
Celaya	Newton
Clayton	Nicholson
Collins	Olsen
Crossley	Padgett
Davis	Palmer
Dickison	Patterson
Dunlap of Kleberg	Pope
Dwyer	Quinn
Farmer	Reader
Fuchs	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Riddle
Hankamer	Roach of Hunt
Hardin	Rogers
Harris of Archer	Rutta
Harris of Dallas	Sessions
Hartzog	Shofner
Herzik	Smith
Hodges	Spears
Hofheinz	Steward
Holland	Stinson
Hoskins	Stovall
Howard	Waggoner
Huddleston	Walker
Hyder	Westfall
Jackson	Wood of Harrison
James	Wood of Montague
Jefferson	Young
Jones of Atascosa	Youngblood
Jones of Falls	

Nays—29

Burton	Hunter
Cagle	Jones of Wise
Colquitt	Keefe
Cooper	Lanning
Davison of Fisher	Latham
Dunlap of Hays	Lemens
England	Lucas
Fain	Morris
Fisher	Roach of Angelina
Fox	Roark
Gibson	Thornton
Glass	Venable
Graves	Wells
Head	Worley
Hunt	

Present—Not Voting

Craddock

Absent

Adkins	Hill
Alexander	Leath
Bradbury	Luker
Colson	McCalla
Cowley	Payne
Daniel	Petsch
Davisson	Roane
of Eastland	Roberts
Dunagan	Russell
Duvall	Scarborough
Ford	Stanfield
Frazer	Tarwater
Good	Tennyson
Hanna	Tillery

Absent—Excused

Fitzwater	Settle
Leonard	

Question—Shall the amendment by Mr. Keefe be adopted?

Question recurring on the amendment by Mr. Keefe, it was lost.

Mr. Pope offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1 by adding the following after Sec. 11:

"11a. It is hereby declared to be and is unlawful for any liquor dealer, distiller, brewer, or wine dealer or wine maker to sell any spirituous, vinous or malt liquor capable of producing intoxication, to any person, firm or corporation for sale unless such person, firm or corporation receiving such liquor has a license from the State of Texas to sell same.

"Every liquor dealer, distiller, brewer or wine maker who shall sell or dis-

tribute for sale in this State, spirituous, vinous or malt liquor capable of producing intoxication in bottles, jugs or other containers, shall have attached to each such bottle, jug or container a seal on which shall be printed the name and place of business of such distiller, brewer or maker of such liquor. There shall also be affixed on such seal a non-removal and non-counterfeitable serial number of the bottle, jug or container of such liquor so sold or distributed in this State.

"Such liquor dealer, distiller, brewer or maker of such liquor shall keep a full and complete and accurate record of each sale of such liquor made by him, which, among other things, shall show: To whom and when sold and place of residence of purchaser; amount of sale and the serial numbers of bottles, containers and jugs containing such liquor. Such records shall be kept in a well bound book, which shall be at all times open to the inspection of all officers of the law. It shall be unlawful for any person, firm or corporation whether licensed or unlicensed to sell at retail for use or distribution in this State any such spirituous, vinous or malt liquor except in bottles, jugs or other containers, which bottles, jugs or other containers shall have affixed thereto or thereon such seal and serial number of the wholesaler, distiller, brewer or wine maker as is herein provided.

"The possession, transportation or sale of any such liquor in this State by any unlicensed person, firm or corporation shall prima facie constitute a conspiracy to commit a felony in this State between such unlicensed person, firm or corporation and the distiller, brewer, wine maker or other person, firm or corporation that shall distill, brew, make, sell or distribute such liquor before coming into the possession of such unlicensed person, firm or corporation. It shall constitute a defense for the distiller, brewer, wine maker or other handler or seller of such liquor to show, by reason of such seal and serial numbers, that he came into and parted with the possession of such liquor legally. Any one participating in such conspiracy or combine shall be punished as provided in Chapter one, Title 19 of the 1925 Revised Criminal Statutes of Texas.

"Any person violating any provision of this Section shall be deemed guilty

of a felony and upon conviction thereof shall be confined in the State penitentiary for not less than two and not more than five years."

The amendment was adopted.

Mr. Farmer offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1 as follows: Strike out on page 30, in lines 20 and 21, these words: "and corporations and all associations of natural persons incorporated or unincorporated."

The amendment was adopted.

Mr. Farmer offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1 as follows: Add after the word "true," in line 21, on page 8, these words: "Provided no permit or license shall be issued to any female."

Mr. Fuchs raised a point of order on further consideration of the amendment by Mr. Farmer at this time, on the ground that the amendment seeks to enact class legislation.

The Speaker sustained the point of order.

Mr. Duvall offered the following amendment to the amendment by Mr. Bradbury:

Amend Bradbury amendment to House Bill No. 1, Section 18, Subsection (n), by striking out of said subsection lines 8, 9, 10, 11 and 12, and inserting in lieu thereof the following: "Fee for physician's permit shall be \$25.00. The annual license fee for druggists or pharmacists permits and for hospitals, sanitariums and other institutions for the treatment of the sick shall be \$500.00." The annual license fee for wholesale druggists shall be \$5,000.00. The fees herein prescribed for wholesale druggists."

Mr. Graves offered the following amendment to the amendment by Mr. Duvall:

Amend Duvall amendment by striking out the words and figures \$5,000.00 wherever they occur and substitute the words and figures \$10.00; and strike out the words "hospitals, sani-

tariums and other institutions for the treatment of the sick."

GRAVES,
READER,
PETSCH.

The amendment was adopted.

The amendment as amended was then adopted.

Mr. Collins offered the following amendment to the amendment by Mr. Bradbury:

"Amend Bradbury amendment to House Bill No. 1, Section 24, Subdivision (a), so as to strike out the words and figures 'fifty cents' wherever they appear and insert therein the words and figures '80 cents (eighty cents),' all of which shall go to the State. The cities and counties under the law shall each have the authority and power to levy one-fourth addition tax, which total amount shall not exceed \$1.20 (one dollar and twenty cents)."

COLLINS,
COLQUITT,
COWLEY.

Mr. Duvall offered the following amendment to the amendment by Mr. Collins:

Amend amendment to House Bill No. 1 by striking out "80 cents" and insert in lieu thereof "\$1.20."

On motion of Mr. McKee, the amendment was tabled.

Mr. Duvall offered the following amendment to the amendment by Mr. Collins:

Amend Bradbury amendment to House Bill No. 1 by substituting "\$1.15" for the figures "80 cents."

Question recurring on the amendment by Mr. Duvall, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—82

Adamson	Cooper
Aikin	Craddock
Alsup	Crossley
Ash	Davison of Fisher
Atchison	Dunagan
Beck	Duvall
Broyles	Dwyer
Butler of Karnes	Fain
Caldwell	Farmer
Calvert	Fisher
Canon	Fox
Collins	Gibson
Colquitt	Glass

Gray	Nicholson
Greathouse	Palmer
Hankamer	Patterson
Harris of Archer	Petsch
Hartzog	Quinn
Head	Reed of Bowie
Herzik	Roach of Angelina
Holland	Roach of Hunt
Howard	Roark
Hunt	Roberts
Hunter	Rogers
Jackson	Russell
James	Rutta
Jones of Atascosa	Sessions
Jones of Falls	Shofner
Jones of Shelby	Smith
King	Steward
Knetsch	Stinson
Latham	Stovall
Lemens	Tarwater
Lindsey	Tennyson
Lucas	Venable
McFarland	Waggoner
McKinney	Walker
Moffett	Westfall
Morris	Wood of Harrison
Morrison	Wood of Montague
Newton	Youngblood

Nays—38

Bergman	Huddleston
Bourne	Hyder
Bradbury	Jefferson
Bradford	Jones of Wise
Burton	Lange
Butler of Brazos	Lanning
Cagle	Lotief
Celaya	Mauritz
Clayton	McConnell
Davis	McKee
Davisson	Morse
of Eastland	Olsen
Dickison	Padgett
Dunlap of Hays	Reader
Frazer	Reed of Dallas
Fuchs	Roane
Good	Spears
Graves	Worley
Hardin	Young
Hoskins	

Absent

Adkins	Hodges
Alexander	Hofheinz
Colson	Keefe
Cowley	Leath
Daniel	Luker
Dunlap of Kleberg	McCalla
England	Moore
Ford	Payne
Hanna	Pope
Harris of Dallas	Riddle
Hill	Scarborough

Stanfield	Tillery
Thornton	Wells
Absent—Excused	

Fitzwater	Settle
Leonard	

Mr. Duvall moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

A division was called for on the amendment by Mr. Collins.

Question first recurring on that section of the amendment, levying a \$1.15 tax, it was adopted.

Mr. Duvall moved to reconsider the vote by which that section of the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question then recurring on that section of the amendment relative to levying of a tax by cities and counties, yeas and nays were demanded.

That section of amendment was lost by the following vote:

Yeas—64

Ash	Knetsch
Atchison	Latham
Bourne	Leath
Butler of Brazos	Leonard
Butler of Karnes	Lucas
Cagle	Mauritz
Caldwell	McConnell
Collins	McFarland
Colquitt	McKee
Crossley	McKinney
Davison of Fisher	Morrison
Dickison	Nicholson
Dunagan	Palmer
Dunlap of Hays	Pope
Duvall	Quinn
Fain	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Roach of Hunt
Hankamer	Roane
Harris of Dallas	Rutta
Hartzog	Smith
Herzik	Spears
Hofheinz	Stinson
Howard	Stovall
Huddleston	Tennyson
Hyder	Thornton
Jackson	Tillery
James	Walker
Jefferson	Westfall
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
King	Youngblood

Nays—66

Adamson	Hunt
Aikin	Hunter
Alexander	Jones of Atascosa
Alsup	Jones of Wise
Beck	Keefe
Bergman	Lanning
Bradbury	Lemens
Bradford	Lindsey
Broyles	Lotief
Burton	Moffett
Calvert	Morris
Canon	Morse
Celaya	Newton
Clayton	Olsen
Cowley	Padgett
Craddock	Patterson
Daniel	Payne
Davis	Petsch
Davisson	Reader
of Eastland	Roach of Angelina
Dwyer	Roberts
Farmer	Rogers
Fisher	Russell
Fox	Scarborough
Frazer	Sessions
Fuchs	Shofner
Gibson	Steward
Glass	Tarwater
Good	Venable
Graves	Waggoner
Hardin	Wells
Harris of Archer	Wood of Harrison
Head	Young
Hoskins	

Absent

Adkins	Holland
Colson	Lange
Cooper	Luker
Dunlap of Kleberg	McCalla
England	Moore
Ford	Riddle
Hanna	Roark
Hill	Stanfield
Hodges	

Absent—Excused

Fitzwater	Settle
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Mr. Thornton offered a substitute for the amendment by Mr. Bradbury which amendment was ordered not printed in the Journal.

Mr. Jones of Atascosa moved the previous question on the substitute amendment by Mr. Bradbury, amendments thereto, and the substitute amendments by Mr. Thornton and Mr. Morse, and the main question was ordered.

Mr. Pope and Mr. Petsch raised the following point of order on considera-

tion of the substitute amendment by Mr. Thornton:

"We make the point of order that all of the provisions of the above named substitute bill, insofar as the same proposes to authorize the various political subdivisions of the State of Texas to determine by a majority vote the question of whether or not the liquor referred to by such provisions should be sold either in "broken" or "unbroken" packages, are unconstitutional for the following reasons:

"(a) Because the Legislature is not granted the right to regulate the sale of intoxicating liquors in any other way or manner than by the passage of a general law applicable to all political subdivisions of the State of Texas alike. For example, the Legislature could not authorize the sale of liquor only in "broken" packages in Travis County on the one hand, and on the other authorize the sale of such liquor in Bexar County in "unbroken" packages. The Legislature having no such authority within itself, it is self-evident that it could not confer such authority to create the condition or to bring about the situation mentioned in the preceding sentence by permitting the citizens of Travis and Bexar Counties, by means of elections, to so regulate the sale of intoxicating liquors in each of such counties.

"(b) Subparagraph (b) of Section 20, Article XVI of the Constitution only authorizes the qualified voters of the various political subdivisions of the State to 'determine . . . whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits.' It further provides for elections on the sale of intoxicating liquor of 'various types and various alcoholic content.' It is self-evident from these plain provisions of subparagraph (b) that the only right of local option conferred by the Constitution is to determine: (1) whether or not the sale of intoxicating liquors should be legalized in whole or prohibited altogether, and (2) what particular "type of various alcoholic content" liquors should be legalized for sale on the one hand or prohibited on the other.

This itemization of the local option privilege as set forth in subparagraph (b) clearly limits the right of the Legislature to confer the local option

privilege named in such section and no other. The itemization of the privilege clearly constitutes a limitation upon the rights of the Legislature to authorize elections for the purpose of deciding upon the privileges named in the provisions of said paragraph and no other.

"It is the plain and evident purpose of the Thornton amendment to enlarge upon the privileges of local option determination and by having the Legislature add voting privileges other than those which are granted in the aforementioned Constitutional provisions. This is clearly an effort to enlarge these local grants. The Thornton substitute in that respect fails to recognize that the aforementioned provisions of subparagraph (b) are as a matter of fact limited upon the power of the Legislature and upon the various political subdivisions in relation to their local rights regarding the sale of intoxicating liquors. Such an extension of privileges is not authorized by the Constitution but is directly contrary to its aforementioned expressed limitations and contrary to all established rules of Constitutional construction.

"Under the provisions of the revised Thornton substitute, no less than under the original substitute as offered yesterday, the result possible by the operations of such a law is that within one political subdivision, the sale of distilled liquors by drink under restaurant and club permits would be legal, while within a neighboring subdivision, the method of sale would be entirely different. This presents a situation in which the execution of a law is made dependent upon the vote of the electorate within the subdivision. Since the local option privilege by our Constitution is a specifically granted privilege, since the Thornton substitute attempts to enlarge upon this privilege, and since the result and substance of the revised substitute is no different from that of the original substitute, it is none the less unconstitutional."

POPE,
PETSCH.

The Speaker overruled the point of order.

Mr. Lindsey moved to reconsider the vote by which the main question was ordered.

The motion to reconsider prevailed.

Question recurring on the motion for the main question, it was lost.

Mr. Alsup raised a point of order on further consideration of the amendment by Mr. Thornton at this time, on the ground that the House has heretofore defeated an amendment containing the same subject matter.

The Speaker overruled the point of order.

Mr. Jones of Atascosa moved to table the substitute amendment by Mr. Thornton.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Adamson	Hyder
Aikin	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Shelby
Ash	Jones of Wise
Atchison	Keefe
Beck	Lanning
Bradbury	Latham
Bradford	Leath
Broyles	Lemens
Burton	Lindsey
Cagle	Lotief
Calvert	Lucas
Canon	McConnell
Cooper	Moffett
Cowley	Morris
Craddock	Morrison
Davis	Palmer
Davison of Fisher	Payne
Davisson	Petsch
of Eastland	Quinn
Dunlap of Hays	Reed of Bowie
Dunlap of Kleberg	Roach of Angelina
England	Rogers
Fain	Sessions
Farmer	Shofner
Fisher	Stovall
Fox	Tarwater
Frazer	Tennyson
Gibson	Tillery
Glass	Venable
Graves	Waggoner
Gray	Wells
Hardin	Wood of Harrison
Harris of Archer	Wood of Montague
Huddleston	Worley
Hunt	Youngblood
Hunter	

Nays—56

Bergman	Butler of Karnes
Bourne	Caldwell
Butler of Brazos	Celaya

Clayton	Mauritz
Collins	McFarland
Colquitt	McKee
Crossley	McKinney
Dickison	Morse
Dunagan	Newton
Duvall	Nicholson
Dwyer	Patterson
Fuchs	Pope
Good	Reader
Greathouse	Reed of Dallas
Hankamer	Roach of Hunt
Harris of Dallas	Roane
Hartzog	Roark
Herzik	Roberts
Hofheinz	Russell
Holland	Rutta
Hoskins	Scarborough
Jackson	Smith
James	Spears
Jefferson	Steward
King	Stinson
Knetsch	Thornton
Lange	Walker
Leonard	Young

Present—Not Voting**Head****Absent**

Adkins	Luker
Colson	McCalla
Daniel	Moore
Ford	Olsen
Hanna	Padgett
Hill	Riddle
Hodges	Stanfield
Howard	Westfall

Absent—Excused

Fitzwater	Settle
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PAIRED

Mr. Head (present), who would vote "yea," with Mr. Hill (absent) who would vote "nay."

REASON FOR VOTE

Reason for voting against the motion to table the Thornton substitute: The House had just voted off the previous question so as to allow discussion. I would have voted against the Thornton substitute.

PATTERSON.

Mr. Calvert moved the previous question on the substitute amendment by Mr. Bradbury and the passage of House Bill No. 1 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Worley moved a call of the House for the purpose of maintaining a quorum pending consideration of House Bill No. 1, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—51

Adamson	Jones of Wise
Aikin	Latham
Alsup	Lemens
Bradbury	Lindsey
Bradford	Lotief
Broyles	McConnell
Burton	Morris
Cagle	Palmer
Crossley	Petsch
Davis	Quinn
Davison of Fisher	Reader
Dunlap of Hays	Reed of Bowie
England	Reed of Dallas
Fain	Roark
Fisher	Rogers
Fox	Sessions
Glass	Settle
Good	Shofner
Graves	Spears
Gray	Steward
Harris of Archer	Stovall
Hofheinz	Tarwater
Hunt	Tennyson
Hunter	Venable
Jones of Atascosa	Worley
Jones of Shelby	

Nays—82

Alexander	Duvall
Ash	Dwyer
Atchison	Farmer
Beck	Frazer
Bergman	Fuchs
Bourne	Gibson
Butler of Brazos	Greathouse
Butler of Karnes	Hankamer
Caldwell	Hardin
Calvert	Harris of Dallas
Canon	Hartzog
Celaya	Head
Clayton	Herzik
Collins	Holland
Colquitt	Hoskins
Cooper	Howard
Cowley	Huddleston
Craddock	Hyder
Davisson	Jackson
of Eastland	James
Dickison	Jefferson
Dunagan	Jones of Falls
Dunlap of Kleberg	Keefe

King	Roach of Angelina
Knetsch	Roach of Hunt
Lange	Roane
Leath	Roberts
Leonard	Russell
Lucas	Rutta
Mauritz	Scarborough
McFarland	Stanfield
McKee	Stinson
McKinney	Tillery
Moffett	Waggoner
Morrison	Walker
Morse	Wells
Newton	Westfall
Nicholson	Wood of Harrison
Patterson	Wood of Montague
Payne	Young
Pope	Youngblood
Riddle	

Absent

Adkins	Luker
Colson	McCalla
Daniel	Moore
Ford	Olsen
Hanna	Padgett
Hill	Smith
Hodges	Thornton
Lanning	

Absent—Excused

Fitzwater

Mr. Wells moved that the House recess to 9:00 o'clock a. m., tomorrow.

Mr. Lotief moved that the House recess to 7:30 o'clock p. m., today.

Mr. Jones of Atascosa moved that the House recess to 8:00 o'clock p. m., today.

Mr. Dwyer moved that the House adjourn until 9:30 o'clock a. m., next Monday.

Question recurring on the motion by Mr. Dwyer, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—29

Butler of Karnes	Howard
Caldwell	Hunter
Celaya	Jackson
Clayton	Jefferson
Cowley	Lange
Dickison	McKinney
Dunagan	Newton
Dwyer	Pope
Farmer	Reader
Frazer	Riddle
Hankamer	Roane
Hardin	Rutta
Hoskins	Scarborough

Spears	Wood of Montague
Westfall	

Nays—101

Adamson	Jones of Wise
Aikin	Keefe
Alexander	Knetsch
Alsup	Lanning
Atchison	Latham
Beck	Leath
Bergman	Lemens
Bourne	Leonard
Bradbury	Lindsey
Bradford	Lotief
Broyles	Lucas
Burton	Mauritz
Butler of Brazos	McConnell
Cagle	McFarland
Calvert	McKee
Canon	Moffett
Collins	Morris
Colquitt	Morrison
Cooper	Morse
Craddock	Nicholson
Crossley	Palmer
Davis	Patterson
Davison of Fisher	Payne
Davisson	Petsch
of Eastland	Quinn
Dunlap of Hays	Reed of Bowie
Duvall	Reed of Dallas
England	Roach of Angelina
Fain	Roach of Hunt
Fisher	Roark
Fox	Roberts
Fuchs	Rogers
Gibson	Russell
Glass	Sessions
Good	Settle
Graves	Shofner
Gray	Stanfield
Greathouse	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Head	Tarwater
Herzik	Tennyson
Hofheinz	Tillery
Holland	Venable
Huddleston	Waggoner
Hunt	Walker
Hyder	Wells
James	Wood of Harrison
Jones of Atascosa	Worley
Jones of Falls	Young
Jones of Shelby	Youngblood

Absent

Adkins	Hartzog
Ash	Hill
Colson	Hodges
Daniel	King
Dunlap of Kleberg	Luker
Ford	McCalla
Hanna	Moore

Olsen
Padgett

Smith
Thornton

Absent—Excused

Fitzwater

Mr. Morse moved that the House adjourn until 9:30 o'clock a. m., Saturday, October 5.

Mr. Lotief moved that the House adjourn until 8:00 o'clock p. m., Friday, October 4.

Question recurring on the motion by Mr. Lotief, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—63

Aikin	Knetsch
Alsup	Lemens
Bergman	Leonard
Bradford	Lindsey
Broyles	Lotief
Burton	Lucas
Canon	Mauritz
Collins	McConnell
Craddock	McFarland
Crossley	Newton
Davis	Palmer
Davison of Fisher	Petsch
Davisson	Pope
of Eastland	Quinn
Dunlap of Hays	Reed of Bowie
England	Reed of Dallas
Fain	Roark
Fisher	Roberts
Fox	Sessions
Fuchs	Settle
Glass	Shofner
Graves	Stanfield
Gray	Steward
Harris of Dallas	Stovall
Hartzog	Tennyson
Herzik	Waggoner
Hofheinz	Walker
Hunt	Wells
Jones of Atascosa	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
King	Youngblood

Nays—68

Adamson	Calvert
Alexander	Celaya
Atchison	Clayton
Beck	Colquitt
Bourne	Cooper
Bradbury	Cowley
Butler of Brazos	Dickison
Butler of Karnes	Dunagan
Cagle	Dunlap of Kleberg
Caldwell	Duvall

Dwyer	Leath
Farmer	McKee
Frazer	McKinney
Gibson	Moffett
Good	Morris
Greathouse	Morse
Hankamer	Nicholson
Hardin	Patterson
Harris of Archer	Payne
Head	Reader
Holland	Roach of Angelina
Hoskins	Roach of Hunt
Howard	Roane
Huddleston	Rogers
Hunter	Russell
Hyder	Rutta
Jackson	Scarborough
James	Spears
Jefferson	Stinson
Jones of Falls	Tarwater
Keefe	Tillery
Lange	Venable
Lanning	Westfall
Latham	Young

Absent

Adkins	McCalla
Ash	Moore
Colson	Morrison
Daniel	Olsen
Ford	Padgett
Hanna	Riddle
Hill	Smith
Hodges	Thornton
Luker	

Absent—Excused

Fitzwater

Mr. Hofheinz moved that the House adjourn until 7:45 o'clock p. m., Friday, October 4.

Question recurring on the motion by Mr. Hofheinz, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—59

Aikin	Fuchs
Alsup	Glass
Bergman	Graves
Bourne	Gray
Bradford	Greathouse
Burton	Harris of Dallas
Cagle	Hartzog
Craddock	Herzik
Davisson	Hofheinz
of Eastland	Hunt
Dunlap of Hays	Jones of Atascosa
England	Jones of Shelby
Fain	Jones of Wise
Fisher	Knetsch
Fox	Lemens

Leonard	Sessions
Lindsey	Settle
Lotief	Shofner
Lucas	Spears
Mauritz	Stanfield
McConnell	Stovall
McFarland	Tennyson
Morrison	Tillery
Newton	Waggoner
Petsch	Walker
Quinn	Wells
Reed of Dallas	Wood of Harrison
Roark	Wood of Montague
Roberts	Worley
Rogers	Youngblood

Nays—72

Adamson	Hunter
Alexander	Hyder
Atchison	James
Beck	Jefferson
Broyles	Jones of Falls
Butler of Brazos	Keefe
Butler of Karnes	King
Caldwell	Lange
Calvert	Lanning
Canon	Latham
Celaya	Leath
Clayton	McKee
Collins	McKinney
Colquitt	Moffett
Cooper	Morris
Cowley	Morse
Crossley	Nicholson
Davis	Palmer
Davison of Fisher	Patterson
Dickison	Payne
Dunagan	Pope
Dunlap of Kleberg	Reader
Duvall	Reed of Bowie
Dwyer	Riddle
Farmer	Roach of Angelina
Frazer	Roach of Hunt
Gibson	Roane
Goed	Russell
Hankamer	Rutta
Hardin	Scarborough
Harris of Archer	Steward
Head	Stinson
Holland	Tarwater
Hoskins	Venable
Howard	Westfall
Huddleston	Young

Absent

Adkins	Jackson
Ash	Luker
Bradbury	McCalla
Colson	Moore
Daniel	Olsen
Ford	Padgett
Hanna	Smith
Hill	Thornton
Hodges	

Absent—Excused

Fitzwater

Mr. Alsup moved that the House adjourn until 8:30 o'clock a. m., Saturday, October 5.

Mr. Lindsey raised a point of order on further consideration of the motion by Mr. Alsup at this time, on the ground that no business has been transacted by the House since the last vote was taken on the motion to adjourn.

The Speaker sustained the point of order.

EXPRESSION OF CONFIDENCE

Mr. Howard offered the following resolution:

Whereas, Certain communications have been read in the House of Representatives, criticizing our fellow member, Fred Harris, and charging that certain statements made by him on the floor of the House were misrepresentation of facts; and

Whereas, It is the desire of the membership of the House to express its confidence in the integrity of Mr. Harris and it is the belief of the membership of the House that Mr. Harris has been unjustly criticized; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That this resolution be passed as an expression of confidence in the honesty, integrity and fair dealing of Mr. Harris; and be it further

Resolved, That this unjust criticism of one of our membership in whom we have such confidence is deplored.

HOWARD,
KING,
JONES of Shelby,
BUTLER of Brazos,
JONES of Atascosa,
LOTIEF,
MORSE,
WELLS,
WALKER,
LANGE,
MAURITZ,
BOURNE,
CELAYA,
ROANE,
ROARK,
HARTZOG,
CALVERT,
THORNTON,
PETSCH.

The resolution was read second time, and was adopted.

Question then recurring on the motion by Mr. Alsup that the House adjourn until 8:30 o'clock a. m., Saturday, October 5, it was lost.

ADJOURNMENT

On motion of Mr. Morse, the House at 6:00 o'clock p. m., adjourned until 9:30 o'clock a. m., Saturday, October 5, 1935.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Appropriations: House Bills Nos. 105 and 111.

Revenue and Taxation: House Bills Nos. 37, 65 and 86.

The following committees have filed adverse reports on bills as follows:

Appropriations: House Bill No. 106 and Senate Bill No. 30.

Public Health: House Bill No. 92.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, October 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 97, "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such Districts; and validating all bonds issued and all bonds voted but not yet issued by such Districts; validating all acts of the officials of said District, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Chairman.

In Memory of Mrs. Sallie Blount Owsley

Mr Hyder offered the following resolution:

Whereas, Mrs. Sallie Blount Owsley departed this life at her home at Denton, Texas, Friday, October 4, 1935; and,

Whereas, Mrs. Sallie Blount Owsley was one of the pioneers of Denton County and as such was a valued citizen of her county and of the State of Texas; and,

Whereas, She was a faithful mother, a Christian wife and a builder for good in her community; and,

Whereas, Her passing is a great loss to her community and to the State of Texas; and,

Whereas, She is the wife of Judge Alvin C. Owsley, a former member of the House of Representatives of the State of Texas, who has also distinguished himself in the Judiciary of this State; and,

Whereas, She is the mother of Colonel Alvin M. Owsley, a former member of the House of Representatives of the State of Texas, who distinguished himself in the service of his country in the World War and who is a former National Commander of the American Legion and who was a former Minister to the State of Roumania and is now serving as Minister to the Irish Free State; and,

Whereas, She is the mother of Henry Owsley, former Blue Sky Commissioner of the State of Texas; and,

Whereas, She is the grandmother of Henry Page Owsley, who is now serving as a Page in this House; now therefore, be it

Resolved, That the House of Representatives extend to her surviving husband, Judge Alvin C. Owsley, and her children its sincere sympathy in this, their hour of grief, and assure them that in the passing of Mrs. Sallie Blount Owsley they have not only lost a faithful wife, a good mother and a valued citizen of her own community, but that the State of Texas has suffered a distinct loss in her passing; be it further

Resolved, That a copy of this resolution be sent to the bereaved husband, Judge Alvin C. Owsley and other members of the family; be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today in memory of the deceased, and that when the House adjourns today it do so in respect and in memory of this illustrious Texas wife and mother.

HYDER,

JONES of Wise,

SMITH,

CALDWELL,

WOOD of Montague.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davison of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox of Williamson, Frazer, Fuchs of Washington, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Jackson, James, Jefferson, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Worley, Young and Youngblood.

On the motion of Mr. Harris of Dallas, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.